

TYSON & MENDES LLP
GRIFFITH H. HAYES
Nevada Bar No. 7374
Christopher A. Lund
Nevada Bar No. 12435
Email(s): ghayes@tysonmendes.com
clund@tysonmendes.com
2835 St. Rose Pkwy., Suite 140
Henderson, NV 89052
Telephone: (702) 724-2648
Facsimile: (702) 410-7684
Attorneys for Defendant GNLV, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN DROWNS, an individual,

Plaintiff,

v.

GNLV, LLC, a Domestic Corporation; DOES
1-20; ROE CORPORATIONS 1-20;
inclusive,

Defendants.

Case No. 2:23-cv-02066-CDS-NJK

**STIPULATION AND ~~PROPOSED ORDER~~
TO EXTEND DISCOVERY DEADLINES**

**(SECOND REQUEST FOLLOWING THIS
HONORABLE COURT'S DENIAL OF
THE FIRST REQUEST BY ORDER
DATED MAY 14, 2024)**

IT IS HEREBY STIPULATED AND AGREED, between the parties and their attorneys of record, that **the current discovery deadlines to be extended as set forth on page 3** pursuant to Local Rule 26-1(b).

I.
DISCOVERY COMPLETED TO DATE

1. The parties have conducted the FRCP 26.1 Early Case Conference.
2. Plaintiff has produced his Initial List of Witnesses and Documents, and supplements thereto pursuant to FRCP 26(a) on January 16, 2024. (897 pages)
3. Defendant has produced its Initial List of Witnesses and Documents, and supplements thereto pursuant to FRCP 26(a) on January 16, 2024. (47 pages)
4. Defendant has propounded its First Set of Interrogatories (31 total) to Plaintiff on January 17, 2024.

1 5. Defendant has propounded its First Set of Requests for Admission (16 total) to
2 Plaintiff on January 17, 2024.

3 6. Defendant has propounded its First Set of Requests for Production of Documents
4 (30 total) to Plaintiff on January 17, 2024.

5 7. Plaintiff has responded to Defendant's First Requests for Admission on January
6 18, 2024.

7 8. Plaintiff has propounded his First Set of Requests for Production of Documents
8 (17 total) on February 1, 2024.

9 9. Plaintiff has propounded his First Set of Interrogatories (20 total) on February 1,
10 2024.

11 10. Plaintiff has responded to Defendant's First Set of Requests for Production of
12 Documents on March 19, 2024.

13 11. Plaintiff has responded to Defendant's First Set of Interrogatories on March 19,
14 2024.

15 12. Defendant has responded to Plaintiff's First Set of Interrogatories on April 4,
16 2024.

17 13. Defendant has responded to Plaintiff's First Set of Request for Production of
18 Documents on April 4, 2024.

19 14. Defendant has provided its First Supplement to Initial List of Witnesses and
20 Documents, and supplements thereto pursuant to FRCP 26(a) on April 4, 2024. (61 pages)

21 15. Plaintiff has provided his First Supplement to Initial List of Witnesses and
22 Documents, and supplements thereto pursuant to FRCP 26(a) on April 17, 2024. (120 pages)

23 16. Experts for Plaintiff and Defendant have inspected the hotel room where Plaintiff
24 cut his toe on the shower tile lip on May 1, 2024.

25 17. Plaintiff has propounded his Second Set of Interrogatories (2 total) on May 3,
26 2024.

27 18. Plaintiff has propounded his Second Set of Requests for Production of Documents
28 (2 total) on May 3, 2024.

19. Plaintiff was deposed on May 7, 2024.

II.

DISCOVERY THAT REMAINS TO BE COMPLETED

1. Deposition of Defendant GNLV, LLC s 30(b)(6) witness(es).

2. FRCP 35 Examination.

3. Deposition(s) of Plaintiff's treating physicians.

4. Deposition of other percipient witnesses.

5. Initial expert disclosures.

6. Rebuttal expert disclosures.

7. Depositions of experts.

8. Issuing subpoenas to additional third-parties, including Plaintiff's medical providers:

Sunrise Hospital & Medical Center
3186 S. Maryland Pkwy.
Las Vegas, NV 89109

Fremont Emergency Services
PO Box 638972
Cincinnati, OH 45263

Radiology Specialists Ltd.
700 Executive Center Drive, Suite 155
Greenville, SC 29615

9. Additional written discovery (if necessary).

10. Any remaining discovery the parties deem relevant and necessary as discovery continues.

III.

REASONS THE PARTIES REQUEST TO EXTEND THE DISCOVERY DEADLINES

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose other purpose of delay. Good cause exists as the parties liability experts Robert Perry and Adam Hjorth attended the site inspection on May 1, 2024 and require additional time to

1 prepare the reports based on the information collected at the time of the site inspection.

2 Plaintiff's counsel has advised that he has at least one expert who will provide a report on
3 infectious disease related issues and medical causation. Complicated medical and liability related
4 medical issues exist in this case. Plaintiff's counsel has also advised pending his expert's final
5 review, Plaintiff may also need to retain an epidemiologist based on the claim that a cut toe led
6 to a hospital stay of 2 weeks at a cost of over \$341,000 as there are causation issues based on the
7 allegation that Plaintiff contracted a staph infection from the cut toe.

8 Plaintiff deposition went forward on May 7, 2024. Plaintiff has significant mobility issues
9 for reasons unrelated to this case must use a motorized scooter. He lives in Missouri and had to
10 travel to Las Vegas for his deposition. Plaintiff's past medical expenses total over \$341,000. Per
11 Plaintiff's most recent disclosure per FRCP 26, Plaintiff also claims \$1,000,000 in future
12 damages. Based on the Plaintiff's future damage claim, the parties are meeting and conferring to
13 discuss parameters for the FRCP 35 examination. Plaintiff has not agreed to allow the FRCP 35
14 examination. Defendant wants to conduct that examination but due to Plaintiff's mobility issues,
15 that examination may have to occur in Clayton, Missouri. The examination would potentially
16 require a Nevada licensed physician to fly to Missouri to conduct the examination along with a
17 Missouri licensed physician. Alternatively, this examination may have to be a tele examination
18 and there are still logistical issues that have to worked out with a local Missouri doctor and
19 Defendant's infectious disease expert if the FRCP 35 examination occurs.

20 The parties have diligently attempted to adhere to the discovery schedule that was
21 ordered by this honorable court on or about January 5, 2024 per the Joint Discovery Plan and
22 Scheduling Order. The parties respectfully submit that the current schedule cannot reasonably be
23 met despite their diligence in completing a significant amount of discovery to date.

24 **Extension or Modification of The Discovery Plan and Scheduling Order.**

25 LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order.
26 Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must
27 be made no later than twenty-one (21) days before the expiration of the subject deadline and
28 must comply fully with LR 26-3. If the stipulation is made less than twenty-one (21) days before

the expiration of a deadline, the parties must show a good cause exist. As stated above the parties requires additional time to disclose Initial Experts.

Discovery Deadline	Current Deadline	Proposed Deadline
Motion to Amend/Add Parties	April 23, 2024	April 23, 2024 (No change)
Initial Expert Disclosures	May 23, 2024	July 26, 2024
All Rebuttal Expert Disclosures	June 21, 2024	August 26, 2024
Discovery Cut-Off Date	July 22, 2024	September 27, 2024
Dispositive Motions	August 21, 2024	October 10, 2024

STIPULATION

The parties represent this Stipulation is sought in good faith and not interposed for delay or any other improper purpose.

Dated this 15th day of May, 2024.

Dated this 15th day of May, 2024.

THE RICHARD HARRIS LAW FIRM

TYSON & MENDES LLP

/s/ Charles S. Jackson
 CHARLES S. JACKSON
 Nevada Bar No.: 13158
 801 South Fourth Street
 Las Vegas, Nevada 89101
Attorneys for Plaintiff John Drowns

/s/ Griffith H. Hayes
 GRIFFITH H. HAYES
 Nevada Bar No. 7374
 CHRISTOPHER A. LUND
 Nevada Bar No. 12435
 2835 St. Rose Pkwy., Suite 140
 Henderson, NV 89052
Attorneys for Defendant GNLV, LLC

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: May 16, 2024